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Financial arrangements associated with the dining room at the International Court of Justice

Report of the Secretary-General

I. Introduction

1. The present report responds to section III, paragraph 36, of General Assembly resolution 52/220 of 22 December 1997, in which the Assembly requested the Secretary-General to review the financial arrangements associated with the dining room at the International Court of Justice and to report thereon to the General Assembly at its fifty-third session.

II. Background

2. Since its inception in 1945, the International Court of Justice has occupied the premises of its predecessor, the Permanent Court of International Justice, in the Peace Palace at The Hague, under an agreement between the United Nations and the Carnegie Foundation in the Netherlands, which is the owner and administrator of the Peace Palace. The premises were supplemented by the construction of a new building for the Court in the 1970s (occupancy began in 1978) on the grounds of the Peace Palace.

3. In 1991, the International Court of Justice appointed an ad hoc Committee on Premises and Accommodation to consider the needs of the Court for additional office space for judges ad hoc and temporary, as well as for permanent staff of the Registry, and, in addition, the improvement of other physical facilities of the Court. The requirement for more space concentrated on the following order of priorities: offices to accommodate the staff of the Registry (17 positions had been added since 1990); offices for temporary staff (mainly translators who, at times, worked in shifts and in makeshift offices such as the judges' robing room and press room); offices for judges ad hoc (whose number had multiplied with the Court's burgeoning case load) and for judges maintained beyond their electoral term; additional storage and archive space; a court dining room and a staff lounge.

4. Some 15 years ago, the Carnegie Foundation converted the Court's former typing pool in the basement of the Peace Palace into a lunch room called a "refectorium". However, the need for adequate dining premises for the International Court of Justice remained compelling. The quality and range of food served in the refectorium, consisting mainly of packaged soup and inferior sandwiches, was unacceptable. The refectorium is open to the public, including tourists who visit the Peace Palace. Members of the Court could neither dine there in privacy nor were they able to converse in confidence about cases in progress and other work of the Court. A dining room on the premises would have greatly reduced the time spent away from the office by members of

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the Court and staff who were obliged to travel a considerable distance from the Peace Palace for lunch. It would also permit the Court on occasion to return the hospitality it received in The Hague. Construction of a dining room in the new extension of the Peace Palace, with the essential electrical and plumbing requirements, was thus seen as a logistically sound part of the construction project, not to be postponed and added later, which would have had required costly building reconstruction and renovation.

5. Since its opening in 1997, the dining room, which operates during lunch hours has achieved its purpose as it is currently utilized by members of the Court, staff of its Registry and their guests. Other users include officials of related international organizations, the Permanent Court of Arbitration, the Carnegie Foundation, embassies, and counsels in cases before the Court. The dining room has also been used for official receptions for counsel in the course of oral argument. The President and other members of the Court also use the facility for hospitality purposes during diplomatic visits to the Court as well as visits by senior United Nations officials. The greater part of the use of the dining room is by judges lunching together, allowing them to promote their collegiate concerns in confidential exchanges while minimizing the time spent away from the office during sessions of the Court. The public do not have access to the facility.

6. The Court is of the view that the dining room is a successful innovation in the life of the Court. It is making a significant contribution to the collegiality, efficiency and work of the Court, and to the presence of the Court in The Hague.

III. Financial arrangements

7. By section VII of its resolution 52/222 of 22 December 1997, the General Assembly approved the Supplementary Agreement between the United Nations and the Carnegie Foundation concerning the use of the Peace Palace at The Hague, contained in the annex to the report of the Secretary-General on the extension of the premises of the International Court of Justice (A/C.5/52/16). The Supplementary Agreement is confined to article II, governing the annual contribution payable by the United Nations to the Carnegie Foundation, and article IV on the accommodations at the Peace Palace made available to the Court to cover the additional premises put to its use as from 1 January 1997, including, *inter alia*, the dining room located in the judges' wing. According to the Supplementary Agreement, article II of the Agreement was amended to reflect the revised annual contribution and the introduction of a qualification of it being subject to annual increases relating to inflation. The annual contribution of 1,843,582 Netherlands guilders includes operating costs of 40,000 Netherlands guilders for the dining room.

8. The Carnegie Foundation, on the other hand, has entered into an agreement with a local catering firm which calls for payment, by the Foundation, of a management fee plus reimbursement of salaries of catering staff and product costs submitted to the Foundation for audit and approval. The Foundation is also responsible for other operating costs such as utilities, maintenance, insurance and miscellaneous expenses. Menu prices that are reasonable for the locality and the quality of food served are determined by the Foundation and the caterer. Judges and other users of the dining room pay for their lunch at full cost.

9. Although it was estimated that with adequate usage the revenues generated from the dining room would be sufficient to absorb the operational costs, the Carnegie Foundation has informed the Court that the dining room has suffered a financial deficit to date. The Foundation has further indicated that, if usage does not improve, it might be obliged to re-evaluate the current arrangements and propose alternatives. Should there be any developments in this regard, the Secretary-General would take steps to inform the General Assembly, as appropriate.

IV. Recommendation

10. The General Assembly may wish to take note of the present report.